

Senate Bill No. 378

CHAPTER 150

An act to amend Section 452.5 of the Evidence Code, relating to evidence.

[Approved by Governor August 26, 2013. Filed with
Secretary of State August 26, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SB 378, Block. Official record of conviction: admissibility of electronically digitized copy.

Existing law provides that evidence of a writing made as a record of an act, condition, or event is not made inadmissible by the hearsay rule when offered in any civil or criminal proceeding to prove the act, condition, or event if specified conditions apply. Existing law provides that an official record of conviction certified under a specified statute is admissible under this hearsay exception to prove the commission, attempted commission, or solicitation of a criminal offense, prior conviction, service of a prison term, or other act, condition, or event recorded by the record.

This bill would provide that an electronically digitized copy, as defined, of an official record of conviction is also admissible under this hearsay exception for the same purposes as the official record.

The people of the State of California do enact as follows:

SECTION 1. Section 452.5 of the Evidence Code is amended to read:

452.5. (a) The official acts and records specified in subdivisions (c) and (d) of Section 452 include any computer-generated official court records, as specified by the Judicial Council which relate to criminal convictions, when the record is certified by a clerk of the superior court pursuant to Section 69844.5 of the Government Code at the time of computer entry.

(b) (1) An official record of conviction certified in accordance with subdivision (a) of Section 1530, or an electronically digitized copy thereof, is admissible under Section 1280 to prove the commission, attempted commission, or solicitation of a criminal offense, prior conviction, service of a prison term, or other act, condition, or event recorded by the record.

(2) For purposes of this subdivision, "electronically digitized copy" means a copy that is made by scanning, photographing, or otherwise exactly reproducing a document, is stored or maintained in a digitized format, and bears an electronic signature or watermark unique to the entity responsible for certifying the document.

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